

**CODE OF VIRGINIA**  
**ANNOTATED**

**ME TWO**  
**919**  
**S-450**

# CODE OF VIRGINIA

WITH

The Declaration of Independence  
The Constitution of the United States  
The Constitution of Virginia

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IN TWO VOLUMES—ANNOTATED

VOLUME TWO

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TS OF ERROR, ETC.

[Tit. 41

sions on similar statute, see Justis' 7.

apply to criminal as well as civil dred and fifty-six, sixty-three hundred and seventy-two and six shall apply as well to criminal a felony case in the Supreme Court ror file with the clerk of the said able to pay or secure to be paid in the case the printing shall be aid and the clerk shall not be re- the same into the treasury; but if secured to be paid and upon the ent of the court below be wholly Appeals the said court in affirming f of the Commonwealth against the t of the said costs to be taxed by 1895-6, p. 102.)

Law Pr. (2 Ed.), 1389.

**appellate court certified and en-** preme Court of Appeals shall be adgment the writ of error was al- c thereof in vacation, shall cause r book as its own judgment. (Code

is substantially complied with by of the appellate court on the order se, 98 Va. 817, 36 S. E. 399, 6 Va.

**ent in cases of felony.**—Sentence or rebellion, shall not be executed e sentence is pronounced. (Code

**o to execute death sentence.**—The itentiary, at Richmond, is hereby e and maintain a permanent death said penitentiary, and which said necessary appliances for the prop- tion. In said death chamber shall a the death penalty has been im- or after June twenty-sixth, nine- ecution shall be conducted by the stant or assistants designated by

x following sections make no change the revision, except it is now pro- of the person executed shall not be tion was for rape or attempt to rape.

Ch. 196]

EXCEPTIONS, WRITS OF ERROR, ETC.

§4944

**Sec. 4942. Transfer of convict to penitentiary; how death sen-** tence executed; who to be present.—The clerk of the court in which is pronounced the sentence of death against any felon shall, as soon as may be, after such sentence, deliver a certified copy thereof to the Superintendent of the Penitentiary at Richmond. Not more than thirty nor less than fifteen days before the time fixed, in the judgment of the court, for the execution of said sentence, the Superintendent of the Penitentiary shall cause to be conveyed to the said penitentiary such condemned felon in the manner now pre- scribed by law for the conveyance of felons sentenced to confine- ment in the penitentiary, and the superintendent, in his discretion, may appoint more than one guard to convey the condemned felon, and the expenses of such guard or guards shall be paid in the manner and under the requirements now prescribed by law for the conveyance of convicts to the penitentiary. The said superin- tendent, or the assistants appointed by him, shall, at the time named in said sentence, cause the said felon under sentence of death to be electrocuted until he is dead, unless a suspension of execution be ordered. At the execution there shall be present the superintendent, or an assistant, the surgeon of the penitentiary or his assistant, and a number of respectable citizens numbering not less than six nor more than twelve. The counsel for the con- vict and a minister of the gospel may be present. (Code 1887, § 4063; 1908, p. 684; 1910, p. 571.)

**Sec. 4943. Certificate of the execution of death sentence.**—The superintendent shall certify the fact of the execution of the con- demned felon to the clerk of the court by which such sentence was pronounced, who shall file such certificate with the papers of the case and enter the same upon the records of the case. (Code 1887, § 4064; 1908, p. 684.)

**Sec. 4944. Reprieve, writ of error, or stay of execution of sen-** tence; how notice served; subsequent process; how served; resen- tence; new trial.—Should the condemned felon, while in the cus- tody of the Superintendent of the Penitentiary, be granted a re- prieve by the Governor, or obtain a writ of error from the Supreme Court of Appeals, or should the execution of the sentence be stayed by any competent judicial proceeding, notice of such reprieve or such writ of error or stay of execution shall be served upon the Superintendent of the Penitentiary, as well as upon the condemned felon, and the said superintendent shall yield obedience to the same. In any subsequent proceeding the mandate of the court having re- gard to the condemned felon, shall be served upon the Superin- tendent of the Penitentiary as well as the said felon. Should the said felon be resentenced by the court, then the proceedings shall be as hereinabove provided under the original sentence. Should a new trial be granted such condemned felon after he has been con- veyed to the penitentiary, then he shall be conveyed back to the

(2041)